

**Security Council**

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Letter dated 29 December 2011 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the activities of the Committee from 1 January to 31 December 2011 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Maria Luiza Ribeiro **Viotti**
Chair



Annex

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

A. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2011.
2. In 2011, the Bureau of the Committee consisted of Maria Luiza Ribeiro Viotti (Brazil) as Chair, with the delegations of Gabon and Lebanon serving as Vice-Chairs.

B. Background

3. By paragraph 20 of its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups operating in the territory of North and South Kivu and Ituri. In addition, the Council requested the Secretary-General to report to the Council regularly on the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in North and South Kivu and Ituri.
4. By its resolution 1533 (2004), the Security Council established the Committee to undertake, inter alia, the following tasks: (a) to seek information from States regarding actions taken by them to implement the arms embargo; (b) to examine, and take appropriate action on, information concerning alleged violations; (c) to report to the Council on ways to strengthen the effectiveness of the arms embargo; (d) to consider a list of those found to have violated the measures imposed by the Council in its resolution 1493 (2003) with a view to submitting recommendations to the Council for possible future measures; and (e) to receive notifications in advance from States made under paragraph 21 of resolution 1493 (2003) and to decide, if need be, upon any action to be taken.
5. By paragraph 10 of its resolution 1533 (2004), the Security Council requested the Secretary-General, in consultation with the Committee, to establish a group of experts to monitor the arms embargo. The Group of Experts was re-established or extended for 12 successive mandates pursuant to resolutions 1552 (2004), 1596 (2005), 1616 (2005), 1654 (2006), 1698 (2006), 1771 (2007), 1799 (2008), 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010) and 2021 (2011).
6. By its resolution 1596 (2005), the Security Council extended the arms embargo to any recipient in the territory of the Democratic Republic of the Congo except the national army and police, among others, under the conditions set out in the resolution. The Council also imposed travel restrictions and an assets freeze on persons and entities acting in violation of the arms embargo. By the same resolution, the Council decided to provide the Group of Experts with a fifth finance expert so that it could fulfil the broader mandate entrusted to it in connection with the measures set out in paragraphs 6, 10, 13 and 15 of the resolution.

7. By its resolution 1616 (2005), the Council renewed the arms embargo, travel restrictions and assets freeze until 31 July 2006. By its resolution 1649 (2005), the Council extended the scope of the travel restrictions and assets freeze to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo and Congolese militias receiving support from abroad that impede the participation of their combatants in disarmament, demobilization and reintegration processes. The Council decided that those measures should take effect on 15 January 2006, unless the Secretary-General informed the Council that the process of disarmament of those foreign armed groups and Congolese militias operating in the Democratic Republic of the Congo was being completed.

8. By its resolution 1698 (2006), the Council renewed until 31 July 2007 the arms embargo, as well as the travel and financial restrictions on individuals designated by the Committee in accordance with the criteria set out in its resolutions 1596 (2005) and 1649 (2005). In its resolution 1698 (2006), the Council extended the travel and financial measures to political and military leaders recruiting or using children in armed conflict and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. In addition to requesting the Group of Experts to carry out the tasks outlined in resolutions 1533 (2004), 1596 (2005) and 1649 (2005), the Council requested the Group to recommend feasible and effective measures that the Council might impose to prevent the illegal exploitation of natural resources financing armed groups. In paragraph 8 of its resolution 1698 (2006), the Council requested the Secretary-General to present before 15 February 2007, in close consultation with the Group of Experts, a report comprising an assessment of the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the implementation of the possible measures referred to in paragraph 6 of the resolution.

9. By its resolution 1771 (2007), the Council decided to renew the measures on arms imposed under resolutions 1493 (2003) and 1596 (2005) until 15 February 2008. In connection with the arms embargo, the Council decided to renew the exemptions for units of the army and police of the Democratic Republic of the Congo, provided that the conditions specified in paragraph 2 of the resolution were met. In addition, in paragraph 3 of its resolution 1771 (2007), the Council decided to authorize an exemption for technical training and assistance agreed to by the Government of the Democratic Republic of the Congo and intended solely to support units of the national army and police that were in the process of integration in the provinces of North and South Kivu and in the Ituri district.

10. By paragraph 4 of its resolution 1771 (2007), the Council decided that the conditions specified in paragraph 4 of resolution 1596 (2005), as now applied to the Government of the Democratic Republic of the Congo, should apply to supplies of arms and related materiel as well as technical training and assistance that are consistent with the exemptions noted in paragraphs 2 and 3 of resolution 1771 (2007), and noted in that regard that States had an obligation to notify the Committee in advance of such supplies. The Council also decided to renew the measures on transport and travel and finance in accordance with resolutions 1596 (2005), 1649 (2005) and 1698 (2006), and to review, by no later than 15 February 2008, the measures concerning the arms embargo, transport, travel and financial bans, in the light of the consolidation of the security situation and the processes of integration of armed forces and reform of the national police in the Democratic Republic of the Congo.

11. By paragraph 1 of its resolution 1799 (2008), the Council decided to extend until 31 March 2008 the measures on arms imposed by paragraph 20 of resolution 1493 (2003) as amended and expanded by paragraph 1 of resolution 1596 (2005).
12. By paragraph 2 of its resolution 1807 (2008), the Council decided that the measures on arms and technical training should no longer apply to the Government of the Democratic Republic of the Congo. By paragraph 1 of the same resolution, the Council decided that, for a period ending on 31 December 2008, all States should take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo. By paragraph 5 of the resolution, the Council reiterated the obligation of supplier States to notify the Committee of all shipments of arms and related materiel, as well as the provision of technical training and assistance to the Democratic Republic of the Congo. By paragraph 13 (e), the Council extended the travel and financial measures to individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.
13. By its resolution 1857 (2008), the Security Council decided to extend the sanctions regime for a further period expiring on 30 November 2009. By subparagraphs 4 (f) and (g) of the same resolution, the Council decided that the assets freeze and travel ban would also apply to individuals obstructing the access to or distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo, as well as individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through the illicit trade in natural resources.
14. By subparagraphs 6 (a) and (b) of resolution 1857 (2008), the Council decided to expand the mandate of the Committee to include the following tasks: (a) to review regularly the list of individuals and entities subject to the travel ban and assets freeze and adopted by the Committee on 1 November 2005 with a view to keeping the list as updated and accurate as possible, to confirm that listing remains appropriate and to encourage Member States to provide any additional information whenever such information becomes available; and (b) to promulgate guidelines in order to facilitate the implementation of the measures imposed by the resolution and keep them under active review as may be necessary.
15. By its resolution 1896 (2009), the Security Council decided to extend, for a further period expiring on 30 November 2010, the sanctions regime. By paragraph 4 of the same resolution, the Council decided to expand the mandate of the Committee to include the following tasks: (a) to promulgate guidelines taking into account paragraphs 17 to 24 of resolution 1857 (2008) in order to facilitate the implementation of the measures imposed by resolution 1896 (2009); and (b) to specify the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution 1807 (2008) and to circulate this among Member States.

16. By paragraph 7 of resolution 1896 (2009), the Council also decided that the mandate of the Group of Experts should include the task to produce, taking into account paragraph 4 (g) of resolution 1857 (2008), drawing inter alia on their reports and taking advantage of work done in other forums, recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo. By paragraph 8 of the same resolution, the Council requested the Group of Experts to focus its activities also on the Orientale Province, as well as on regional and international networks providing support to armed groups operating in the eastern part of the Democratic Republic of the Congo.

17. By paragraph 14 of resolution 1896 (2009), the Council called upon Member States to take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase.

18. By paragraph 16 of resolution 1896 (2009), the Council recommended that importers and processing industries adopt policies and practices, as well as codes of conduct, to prevent indirect support to armed groups in the Democratic Republic of the Congo through the exploitation of and trafficking in natural resources.

19. By paragraph 17 of resolution 1896 (2009), the Security Council recommended that Member States, particularly those in the Great Lakes region, regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite.

20. By paragraphs 1 and 2 of its resolution 1952 (2010), adopted on 29 November 2010, the Security Council renewed until 30 November 2011 the measures on arms and transport imposed by paragraphs 1, 6 and 8 of resolution 1807 (2008). The Council also decided to renew, for the same period, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008), and reaffirmed the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008).

21. By paragraph 5 of resolution 1952 (2010), the Security Council requested the addition to the Group of Experts of a sixth expert, on natural resources issues. By paragraph 6 of the same resolution, the Council also requested that the Group focus its activities in areas affected by the presence of illegal armed groups, including North and South Kivu and Orientale Province, as well as on regional and international networks providing support to illegal armed groups, criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces, operating in the eastern part of the Democratic Republic of the Congo. It further requested the Group to evaluate the impact of the due diligence guidelines referred to in that resolution.

22. By paragraph 7 of resolution 1952 (2010), the Security Council supported taking forward the recommendations of the Group of Experts on guidelines for due diligence for importers, processing industries and consumers of Congolese mineral products, as set out in its final report of 29 November 2010 (S/2010/596), to mitigate the risk of further exacerbating the conflict in the eastern part of the Democratic Republic of the Congo by providing direct or indirect support to illegal

armed groups, those found to violate the assets freeze and travel ban on sanctioned individuals and entities, and criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces.

23. By paragraph 8 of resolution 1952 (2010), the Security Council called upon all States to take appropriate steps to raise awareness of the due diligence guidelines referred to in that resolution, and to urge importers, processing industries and consumers of Congolese mineral products to exercise due diligence by applying the aforementioned guidelines, or equivalent guidelines. By paragraph 9 of the same resolution, the Council decided that the Committee, in determining whether to designate an individual or entity supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through the illicit trade in natural resources, should consider, among other things, whether the individual or entity has exercised due diligence consistent with the steps set out in the resolution.

24. By paragraph 19 of resolution 1952 (2010), the Council recommended that all States, particularly those in the region, regularly publish full import and export statistics for natural resources including gold, cassiterite, coltan, wolframite, timber and charcoal, and that they enhance information sharing and joint action at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources.

25. By resolution 2021 (2011), the Security Council decided to renew until 30 November 2012 the measures on arms and transport, as well as the financial and travel measures imposed by resolution 1807 (2008), and reaffirmed the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008). By paragraph 4 of the resolution, the Council requested the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008).

26. By paragraph 5 of resolution 2021 (2011), the Council reaffirmed paragraphs 6 to 13 of resolution 1952 (2010) regarding support for the illegal armed groups in the eastern part of the Democratic Republic of the Congo, impunity and the threat of criminal networks within the Armed Forces of the Democratic Republic of the Congo, and the mandate and activities, including information sharing, of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

27. By reaffirming paragraphs 6 to 13 of resolution 1952 (2010), the Security Council continued to support the taking forward of the recommendations of the Group of Experts on guidelines for due diligence for importers, processing industries and consumers of Congolese mineral products. Also by paragraph 5 of resolution 2021 (2011), the Council requested the Group of Experts to include in its evaluation of the impact of due diligence a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo.

28. By paragraph 6 of resolution 2021 (2011), the Security Council called on all States to assist the Democratic Republic of the Congo and the countries in the Great Lakes region in the implementation of the guidelines referred to above. By paragraph 7, the Council encouraged all States to continue to raise awareness of the

guidelines, in particular in the gold sector, as part of broader efforts to mitigate the risk of further financing armed groups and criminal networks within the Armed Forces of the Democratic Republic of the Congo.

29. By paragraph 8, the Council encouraged the Democratic Republic of the Congo and the States in the Great Lakes region to require their customs authorities to strengthen their control on exports and imports of minerals from the Democratic Republic of the Congo. By paragraph 9, the Council recommended that all States, particularly those in the region, enhance information sharing and joint action at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources.

30. By paragraph 11 of resolution 2021 (2011), the Council encouraged the Government of the Democratic Republic of the Congo to urgently implement a national weapons marking programme. By paragraph 12, the Council also encouraged the Government of the Democratic Republic of the Congo to continue to address the underlying issue of the cohesion of the national army, including by further ensuring proper integration and vetting of former armed groups, in particular the *Congrès national pour la défense du peuple*, into the armed forces of the Democratic Republic of the Congo. By paragraph 14, the Council welcomed the efforts of the Congolese authorities to fight against impunity, including against perpetrators of human rights abuses and international humanitarian law violations, including sexual violence, and against those responsible for the illegal exploitation of natural resources, and encouraged their continuation. By paragraph 15, the Council stressed the importance of accountability for those responsible for war crimes and crimes against humanity and regional cooperation with the Government of the Democratic Republic of the Congo to this end.

C. Summary of the activities of the Committee

31. Over the course of 2011, the Committee carried out its regular mandate regarding the receipt and circulation of notifications conveyed by Member States, in pursuance of paragraph 5 of resolution 1807 (2008), receiving 20 such notifications. The Committee received 49 communications from Member States, circulated 18 notes to members of the Committee and issued 47 official communications.

32. On 21 January 2011, pursuant to a silence procedure, the Chair of the Committee addressed letters to the Permanent Missions of France and the Netherlands to inform them that the members of the Committee had no objections to the request by these countries for a travel exemption with a view to facilitating the travel of listed individual Callixte Mbarushimana to the International Criminal Court. On 22 March 2011, the Committee addressed similar letters to the Permanent Missions of the Democratic Republic of the Congo and the Netherlands with respect to the travel of listed individual Floribert Ngabu Ndjabu to The Hague.

33. The Committee held informal consultations on 8 March, 3 June, 16 November and 6 December 2011. On 8 March, the Group of Experts presented its workplan to the Committee, which in turn provided feedback. On 3 June, the Group presented to the Committee the main findings of its interim report (S/2011/345), submitted pursuant to resolution 1952 (2010). On 16 November, the Group presented to the Committee the main findings of its final report (S/2011/738), submitted pursuant to resolution 1952 (2010). During its meeting held on 6 December, the Committee

received a briefing by the Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström.

34. On 11 July 2011, the Committee agreed to the Chair's proposal of establishing a new link on the Committee web page entitled "Group of Experts Due Diligence Guidelines",¹ located on the left-hand sidebar of the Committee web page.² The Chair's note, with hyperlinks to the Group's due diligence guidelines, Security Council resolutions 1896 (2009) and 1952 (2010), the Group's final 2010 report (S/2010/596) and the list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005), was made available on the Committee web page in the six official languages of the United Nations.

35. On 15 July 2011, the Committee updated the list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005), as renewed by paragraph 3 of resolution 1952 (2010),³ based on information contained in annex V of the interim report of the Group of Experts, dated 7 June 2011 (S/2011/345).

36. On 13 October 2011, the Committee added one individual (Jamil Mukulu) to the list.⁴ On 29 November 2011, it added another individual (Ntabo Ntaberi Sheka) to the list.⁵

37. On 21 October 2011, the Chair transmitted to the members of the Committee a letter dated 21 October from the Coordinator of the Group of Experts conveying a comprehensive report on arms stockpile security in connection with paragraph 14 of resolution 1952 (2010). The aim of the report was to assist the Government of the Democratic Republic of the Congo in its efforts to promote stockpile security. At the request of the Group, the report was conveyed to the Permanent Mission of the Democratic Republic of the Congo to the United Nations.

38. During 2011, the Committee received five reports from Member States (Brazil, Colombia, Latvia, Serbia and the United Kingdom of Great Britain and Northern Ireland) pursuant to paragraph 20 of resolution 1952 (2010),⁶ by which the Council called upon Member States to report to the Committee on the actions they had taken to implement the measures imposed by paragraphs 1, 2 and 3 of the resolution.

¹ <http://www.un.org/sc/committees/1533/egroupguidelines.shtml>.

² <http://www.un.org/sc/committees/1533/>.

³ <http://www.un.org/News/Press/docs/2011/sc10326.doc.htm>.

⁴ <http://www.un.org/News/Press/docs/2011/sc10410.doc.htm>.

⁵ <http://www.un.org/News/Press/docs/2011/sc10461.doc.htm>.

⁶ <http://www.un.org/sc/committees/1533/reports.shtml>.